IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL, 2007 / 19TH CHAITHRA, 1929

WP(C).No. 11075 of 2007(R)

PETITIONER:

S.R.EDUCATIONAL AND CHARITABLE TRUST,
S.R.BUILDING, MAIN ROAD, VARKALA,
REP. BY ITS MANAGING TRUSTEE R.SHAJI.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE
PRINCIPAL SECRETARY TO GOVERNMENT, HEALTH AND
FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER OF HEALATH,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT,
TALUK HEADQUARTERS HOSPITAL,
CHIRAYINKEEZH, THIRUVANANTHAPURAM DISTRICT.

BY GOVT.PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11075 OF 2007 R

Dated this the 9th day of April, 2007

J U D G M E N T

The petitioner runs a Dental College on the recommendation of the Dental Council of India. The Central Government issued Ext.P2 Letter of Intent to the petitioner. By Ext.P3, the petitioner was granted formal permission to establish a Dental College with an annual intake capacity of 50 students from the academic session 2006-07. The University of Kerala has also granted Ext.P4 provisional affiliation to the Dental College. Till completion of the hospital building which is under construction within the campus of the college, the petitioner wants permission of the Government for having tie up with the Taluk Headquarters Hospital, Chirayinkeezh for clinical training of the B.D.S.students of the College. The petitioner has submitted Exts.P6 to P8 representations before respondents 1 and 2. The petitioner submits that the second respondent has forwarded a favourable report to the first respondent on 30.3.2007. The petitioner is aggrieved by non-consideration of Exts.P6 to P8 representations filed by the petitioner before the

respondents. The petitioner-Trust now confines their prayers to two reliefs. First is to direct the first respondent to consider and pass appropriate orders on Ext.P8 taking into account the recommendation of the second respondent also. Second is to direct respondents 2 and 3 to permit the Inspection Team of the Dental Council of India to inspect the Taluk Headquarters Hospital, Chirayinkeezhu so as to ascertain the facilities available there for clinical training of the B.D.S.students of the petitioner's college.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader.

3. Learned Government Pleader submits that Ext.P8 representation can be disposed of within a reasonable time. He also submits that if this Court directs respondents 2 and 3 to allow the Inspection Team of the Dental Council of India to inspect the facilities of the Taluk Headquarters Hospital, Chirayinkeezhu, the same shall not confer any right on the petitioner in the matter of consideration of Ext.P8.

4. After hearing both sides, I dispose of this writ petition on the following terms:-

There would be a direction to the first respondent to consider and pass appropriate orders on Ext.P8 after taking into account the recommendations of the second respondent in the matter, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment. Respondents 2 and 3 shall also afford all facilities for the Inspection Team of the Dental Council of India to inspect the facilities available at the Taluk Headquarters Hospital for the purpose of ascertaining whether the students of the petitioner's college have enough facilities for clinical training if the first respondent allows the petitioner to have tie up with the Taluk Headquarters Hospital pursuant to Ext.P8 application. I make it clear that such permission to inspect the Taluk Headquarters Hospital shall not confer any right on the petitioner and the same shall not stand in the way of the first respondent in considering Ext.P8 in accordance with law.

Issue certified copy of this judgment today itself.

sd/-

S. SIRI JAGAN, Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007